

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS, NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No.: 2:10-cr-00071-HDM-PAL
)	
vs.)	
)	MINUTES OF COURT
VERNON K. NEWSON,)	
)	
Defendant.)	November 14, 2011
_____	/	

PROCEEDINGS: JURY TRIAL - DAY ONE

PRESENT:

THE HONORABLE HOWARD D. McKIBBEN, SENIOR U.S. DISTRICT JUDGE

Deputy Clerk: Paris Rich Reporter: Kathryn French

Counsel for Plaintiff: Roger Yang, AUSA and Brian Young, AUSA

Counsel for Defendant: Richard Boulware, AFPD and Monique Kirtley, AFPD

At 8:10 am, the Court convenes.

On behalf of the Government, Roger Yang and Brian Young are present. Also present is Case Agent Dennis Crowther.

The Defendant (On Bond) is present with counsel Richard Boulware and Monique Kirtley. Also present is Paralegal Bonnie Arentz.

The Court addresses the Government's previous motion for amendment to Count 25 of [58] Superseding Indictment. At no objection by the Defense, **IT IS ORDERED, Count 25 of [58] Superseding Indictment shall be amended this date to reflect the name "Miguel Garcia," instead of "Michael Garcia."**

As to [93] SEALED Second Motion to Dismiss, Mr. Boulware presents argument. Mr. Yang presents argument. **IT IS ORDERED, [93] Motion is GRANTED in part and DENIED in part. IT IS FURTHER ORDERED, [93] Motion is granted in that the Government shall be precluded from any reference in their opening statements as to the possible manufacturing of evidence by the Defendant as to Agent Garcia, except if the Defense addresses the issue of the second visit by Agent Garcia. In all other respects, [93] Motion is DENIED.**

The Court and counsel confer regarding the undercover agents' initial visits and the paperwork provided in their client packets.

Mr. Yang addresses the issue of the audit files for the uncharged counts and the disclosure laws regarding same. **IT IS ORDERED, to the extent the Court has authority, the disclosure and release of the audit files by the Government to the Defense for uncharged counts is GRANTED.**

At 8:46 a.m, 76 prospective jurors enter the courtroom.

The Court presents opening remarks and introduces counsel. The Court further summarizes this action. The voir dire oath is administered and 32 prospective jurors are seated; voir dire proceeds.

At 10:20 a.m., the jury is passed for cause, and the Court stands at recess.

At 10:31 a.m., the prospective jurors and counsel are present as previously indicated. Counsel exercise peremptory challenges. 14 jurors are empaneled and sworn. The Court thanks and excuses the remaining jurors.

At 10:56 a.m., the jury is admonished and excused, and the Court stands at recess.

At 11:06 a.m., the Court reconvenes with counsel and the jury present.

At 11:13 a.m., Mr. Yang presents opening statements.

At 11:32 a.m., Mr. Boulware presents opening statements.

KRISTY MORGAN, Witness Coordinator for Internal Revenue Service in Ogden, Utah, called on behalf of the Government, is sworn, examined on direct by Mr. Yang and released subject to recall.

The Government's Exhibits 1A through 23A are received in evidence.

At 11:51 a.m., the jury is admonished and excused. The Court stands at recess until 1:00 p.m. this date.

At 1:09 p.m., the jury reenters the Courtroom. All parties are present as previously indicated.

KRISTY MORGAN, Witness Coordinator for Internal Revenue Service in Ogden, Utah, resumes the witness stand, is further examined on direct by Mr. Yang, cross-examined by Mr. Boulware, examined on redirect by Mr. Yang and excused.

IT IS ORDERED, subject to further ruling, specific portions of the Government's Exhibit 24 shall be redacted before admittance into evidence.

USA v. NEWSON
Case No. 2:10-cr-00071-HDM-PAL

November 14, 2011
Page 3 of 4

The Government's Exhibits 25 and 25A are received in evidence, subject to a Defense motion to strike.

The Government's Exhibits 26A through 26C are received in evidence.

The Government's Exhibits 35 and 40 are received in evidence, subject to a Defense motion to strike.

The Government's Exhibits 56 and 57 are received in evidence.

The Defendant's Exhibit 684 is received in evidence.

At 1:45 p.m., the jury is admonished and excused.

The Court reconvenes outside the presence of the jury.

FRANK JAMES ALMODOVA, SR., called on behalf of the Government, is sworn and canvassed by the Court as to his rights against self-incrimination. The witness freely and voluntarily waives his rights, desires to proceed with testimony and is released subject to recall.

At 1:50 p.m., the jury reenters the Courtroom.

FRANK JAMES ALMODOVA, SR., called on behalf of the Government and previously sworn, is examined on direct by Mr. Yang and released subject to recall.

At 2:47 p.m., the Court stands at recess.

At 3:06 p.m., the Court reconvenes with counsel and the jury present.

FRANK JAMES ALMODOVA, SR., resumes the witness stand, is further examined on direct by Mr. Yang, cross-examined by Mr. Boulware, examined on redirect by Mr. Yang and excused.

The Government's Exhibit 27 is received in evidence.

The Defendant's Exhibits 656, 659, 683, 685, 686 and 687 are received in evidence.

WANDA MARIE JACKSON, Tax Compliance Officer with Internal Revenue Service, called on behalf of the Government, is sworn, examined on direct by Mr. Young, cross-examined by Mr. Boulware, examined on redirect by Mr. Young and excused.

At 4:14 p.m., the jury is admonished and excused until Tuesday, November 15, 2011 at 8:00 a.m.

The Court reconvenes outside the presence of the jury.

USA v. NEWSON
Case No. 2:10-cr-00071-HDM-PAL

November 14, 2011
Page 4 of 4

HERMAN TUFONO, is sworn and canvassed by the Court as to his rights against self-incrimination. The witness freely and voluntarily waives his rights, desires to proceed with testimony and is released subject to recall.

COURTNEY BEAUFORD, is sworn and canvassed by the Court as to his rights against self-incrimination. The witness freely and voluntarily waives his rights, desires to proceed with testimony and is released subject to recall.

JASON GUNDERSON, is sworn and canvassed by the Court as to his rights against self-incrimination. The witness requests to consult with an attorney. Mr. Yang confirms the Government will extend a letter of immunity to this witness. The witness is released subject to recall.

COURTNEY BEAUFORD, is re-called by the Court, further canvassed and released subject to recall.

HERMAN TUFANO, is re-called by the Court, further canvassed and released subject to recall.

IT IS ORDERED, Jury Trial is continued to Tuesday, November 15, 2011 at 8:00 a.m. in Las Vegas Courtroom 7D.

At 4:30 p.m., the Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Paris Rich
Deputy Clerk